

In re Appln. of Brian Christian Orr et al.
Serial No. 10/028,242
Reply To Office Action Of April 3, 2003

REMARKS

In the Office Action dated April 3, 2003, the Examiner:

- (a) withdraws claim 7 from further consideration;
- (b) objects to the specification based on the abstract being less than 50 words and the recitation of "Fig. 1" on page 3, line 4;
- (c) objects to claims 1, 4 and 6 based on identified informalities;
- (d) objects to claim 6 under 35 U.S.C. 112 as being indefinite;
- (e) rejects each of claims 1 and 3-5 under 35 U.S.C. Section 102(b) as being anticipated by Hokuscho et al. (US 4,541,306);
- (f) rejects claim 2 under 35 U.S.C. 103(a) as being unpatentable over Hokuscho et al.; and
- (g) indicates that claim 6 would be allowable if rewritten or amended to overcome the rejection under 35 U.S.C. 112.

By this response, Applicants amend the specification and claims to address items (b) and (c); amend claim 6 to overcome the rejection under 35 U.S.C. 112; respectfully traverse the rejection of claim 4; amend claims 1, 3, 4, and 6; and add new claims 8-10. For the reasons stated herein, Applicants submit that each of the pending and non-withdrawn claims (claims 1-6 and 8-10) are in condition for allowance.

In the Examiner's explanation of the rejection of claim 1, 3 and 4, the Examiner references a marked up copy of Figure 2 of Hokuscho attached as Exhibit 1 to the Office Action. Before addressing the Examiner's rejection of each of the independent claims, Applicants respectfully submit that the Examiner's interpretation of the claims does not give proper effect to language defining the offset distance, in general, from the casing or chamber centerpoint in a direction away from the opposing surface or radius. In contrast to the present invention as defined in the pending claims, the offset

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distance between the chamber centerpoint and the surface or gear centerpoint in Hokusho is in the direction of, not away from, the opposing chamber surface, side gear surface, or spherical centerpoint.

This distinction is most evident in the Examiner's rejection of claim 4 wherein the Examiner states that:

said second radius center point (right 30) is substantially collinear with said axle centerline (40) and offset from said casing centerpoint (21) an offset distance along said axle centerline in a direction away from said first inner radius (i.e., the radius coincides with the radius R of the right side gear 28).

In Hokusho, the second radius center point (right 30) is offset from the casing centerpoint (21) in a direction toward, not away from, the radius R of the right side gear 28, that is, toward surfaces A and B identified in Exhibit 1 to the Office Action. Thus, Applicants submit that Hokusho fails to show a second radius center point "offset from said casing centerpoint ... in a direction away from said first inner radius" as recited in claim 4. Applicants also add new claim 10 which depends from claim 4 and further defines the position of the casing centerpoint relative to the first and second radius center points in a manner not disclosed or suggested by the references of record. Specifically, claim 10 defines that "the said first radius centerpoint is substantially collinear with said axle centerline and offset from said casing centerpoint an offset distance along said axle centerline and in a direction away from said second inner radius".

As to claim 1, Applicants have amended claim 1 to recite that the spherical surface is closer to its centerpoint than the chamber centerpoint. Accordingly, Applicants submit that claim 1 is in condition for allowance. Applicants have also added new claim 8 depending from claim 1 and further defining the offset of the centerpoint of the opposing surface from the centerpoint of the chamber in a manner not disclosed, taught, or suggested by the references of record.

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Applicants submit that Hokusho similarly fails to anticipate Applicants' newly amended claim 3 which defines the offsetting of the spherical centerpoint of the first side gear "from the chamber centerpoint in a direction away from the surface of said second side gear." By this response, Applicants also add new claim 9 which depends from independent claim 3 and further defines a centerpoint of the second side gear surface that is offset from the chamber centerpoint in a direction away from the spherical centerpoint of the first side gear.

Finally, Applicants submit herewith a Supplemental Information Disclosure Statement disclosing references first cited in a communication from a foreign patent office in a counterpart foreign patent application not more than three months prior to the filing of the Supplemental Information Disclosure Statement.

Prompt and favorable consideration of this amendment is respectfully requested.


Respectfully submitted,

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Date: July 3, 2003

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Enclosures

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